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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald E. Weder **Atty. Dkt. No. 8403.972**

Application No.: Not Yet Assigned **Art Unit: Unknown**

Filed: Herewith **Examiner: Unknown**

For: PLANT SLEEVE HAVING AN EXPANDABLE PORTION

**Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

INFORMATION DISCLOSURE STATEMENT

The following sections are being submitted for this Information Disclosure Statement:

1. Preliminary Statements
2. FORM PTO-1449 (Modified)
3. Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))
4. Identification of Prior Application In Which Listed Information Was Already Cited and for Which No Copies Are Submitted Or Need to Be Submitted
5. Copies of Listed Information Items Accompanying this Statement
6. Identification of Person(s) Making this Information Disclosure Statement

Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Form PTO-1449 (Modified)

A completed Form 1449 (Modified) is attached hereto.

No Form 1449 (Modified) is attached.

Section 3. Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))

Plant sleeves are old in the art. Plant sleeves typically are constructed of polymer film or paper. Plant sleeves generally are tapered (trapezoidally shaped) with an open top and an open bottom, although some have a closed bottom. A plant in a pot is placed in the plant sleeve so that the sleeve covers the pot and the plant. In some instances, an upper portion of the plant sleeve is removable along a line of perforations leaving at least a portion of the sleeve around the pot. In some instances, a separate sheet of material is placed about the pot and the remaining bottom portion of the plant sleeve holds this separate sheet of material in place. Alternatively, a floral grouping alone may be placed within the sleeve. It is also known to put potted plants in grocery bags.

It is also old in the art to form a sheet of material about a flower pot and then place an elastic band around the sheet of material to hold the sheet in place about the flower pot. In some instances, the band has been positioned about the outer surface of the pot with the sheet of material positioned between the band and the flower pot. In some instances, the band has been positioned

above the upper end of the pot thereby causing a portion of the sheet of material to be forced inwardly over the upper end of the pot.

It is also old in the art to form a sheet of material into a conically shaped tube like member referred to commonly in the art as a sleeve. A floral grouping or flower pot with flowers therein can be disposed through the larger open end of the sleeve, wherein the sleeve covers the floral grouping or the flower pot and extends above and around the flowers in the floral grouping or flower pot.

It is also old in the art that cut flowers have been wrapped with the following materials or combinations of materials:

1. Kraft paper plus waxed or unwaxed tissue paper with the flowers being placed next to the waxed paper or tissue paper.
2. Kraft paper plus newspaper plus waxed or unwaxed tissue with the flowers being placed next to the waxed or unwaxed tissue. These three materials have been used to wrap flowers in various combinations such as Kraft paper plus newspaper or Kraft paper plus waxed or unwaxed tissue paper or newspaper plus waxed or unwaxed tissue paper.
3. Waxed or unwaxed tissue paper, polymer films and Kraft paper (treated for water resistance or wet strength or untreated).
4. Polymer film and waxed tissue paper.

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 10/195,773, filed on July 12, 2002 (date).

(complete the following, if applicable)

This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application Serial No. _____, filed on _____ (date).

The references that were submitted to, and/or cited by, the Office in the prior application(s) are not required to be provided in this application; however,

the prior art references listed below were not cited previously in the prior application(s) and copies are provided herewith:

U.S. Patent Documents: 3,293,100; 6,183,590; 6,286,255; 6,286,256; 6,345,467.

Foreign Patent Or Published Foreign Patent Application: Denmark - 1,204,647.

Non-Patent Literature Documents: WEDER ET AL., "Sleeve with a Triangular Lower End", U.S. Patent Application Publication, Pub. No. US 2002/0112401 A1, Pub. Date: 08/22/2002.

Section 5. Copies of Listed Information Items Accompanying this Statement

Legible copies of all items listed in Form PTO-1449 (Modified) accompany this information disclosure statement.

Exception(s) to above:

Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4.

Section 6. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT

The person making this statement is the attorney who signs below on the basis of the information:

supplied by the inventor(s)

supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).

in the attorney's file

Respectfully submitted,



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FORM PTO-1449								Attorney's Docket Number 8403.972	Serial Number 10/195,773
(Fill-A-Form 7.92) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)								Applicant D nald E. Weder	
								Filing Date Herewith	Group Unknown

U. S. PATENT DOCUMENTS

EXAM INIT.		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5	2	4	2	1	9		08/07/1894	Schmidt			
		7	3	2	8	8	9		07/07/1903	Paver			
		9	5	0	7	8	5		03/01/1910	Pene			
		1	0	4	4	2	6	0	11/12/1912	Schloss			
		1	0	6	3	1	5	4	05/27/1913	Bergen			
		1	4	4	6	5	6	3	02/27/1923	Hughes			
		1	5	2	0	6	4	7	12/23/1924	Hennigan			
		1	5	2	5	0	1	5	02/03/1925	Weeks			
		1	6	1	0	6	5	2	12/14/1926	Bouchard			
		1	6	9	7	7	5	1	01/01/1929	Blake	229	87	
		1	7	9	4	2	1	2	01/18/1929	Snyder			
		1	8	1	1	5	7	4	03/14/1930	Barrett			
		1	8	6	3	2	1	6	06/14/1932	Wordingham			
		1	9	7	8	6	3	1	10/30/1934	Herrlinger	91	68	
		2	0	4	8	1	2	3	07/21/1936	Howard	229	87	
		R	E	2	1	0	6	5	05/02/1939	Copeman	93	2	
		2	1	7	0	1	4	7	08/22/1939	Lane	206	56	
		2	2	0	0	1	1	1	05/07/1940	Bensel	229	1.5	
		2	2	7	8	6	7	3	04/07/1942	Savada et al.	154	43	
		2	3	0	2	2	5	9	11/17/1942	Rothfuss	41	10	
		2	3	2	3	2	8	7	07/06/1943	Amberg	229	53	
		2	3	5	5	5	5	9	08/08/1944	Renner	229	8	
		2	3	7	1	9	8	5	03/20/1945	Freiberg	206	46	

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EXAM INIT.	PATENT NUMBER								ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2	4	1	1	3	2	8		11/19/1946	MacNab	33	12	
	2	5	1	0	1	2	0		06/06/1950	Leander	117	122	
	2	5	2	9	0	6	0		11/07/1950	Trillich	117	68.5	
	2	6	2	1	1	4	2		12/09/1952	Wetherell	154	117	
	2	6	4	8	4	8	7		08/11/1953	Linda	229	55	
	2	6	8	8	3	5	4		09/07/1954	Berger	150	28	
	2	7	7	4	1	8	7		12/18/1956	Smithers	47	41	
	2	8	2	2	2	8	7		02/04/1958	Avery	117	14	
	2	8	2	7	2	1	7		03/1958	Clement	47	65.5	
	2	8	4	6	0	6	0		08/05/1958	Yount	206	58	
	2	8	5	0	8	4	2		09/09/1958	Eubank Jr.	47	58	
	2	8	8	3	2	6	2		04/21/1959	Borin	21	56	
	2	9	8	9	8	2	8		06/27/1961	Warp	53	390	
	3	0	2	2	6	0	5		02/27/1962	Reynolds	47	58	
	3	0	8	0	6	8	0		03/12/1963	Reynolds	47	37	
	3	0	9	4	8	1	0		06/25/1963	Kalpin	47	37	
	3	1	2	1	6	4	7		02/18/1964	Harris et al.	118	202	
	3	1	3	0	1	1	3		04/21/1964	Silman	161	97	
	3	2	7	1	9	2	2		09/13/1966	Wallerstein et al.	53	3	
	3	3	0	1	2	9	3		01/1967	Santelli	220	666	
	3	3	1	6	6	7	5		05/02/1967	Cartwright, Jr.			
	3	3	2	2	3	2	5		05/30/1967	Bush	229	62	
	3	3	7	6	6	6	6		04/09/1968	Leonard	47	41	
	3	3	8	0	6	4	6		04/30/1968	Doyen et al.	229	57	
	3	4	3	1	7	0	6		03/11/1969	Stuck	53	390	
	3	5	0	8	3	7	2		04/28/1970	Wallerstein et al.	53	3	
	3	5	1	0	0	5	4		05/05/1970	Sanni et al.	229	66	

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EXAM INIT.	PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3	5	1	2	7	0	0	05/19/1970	Evans et al.	229	53	
	3	5	5	0	3	1	8	12/29/1970	Remke et al.	47	37	
	3	5	5	2	0	5	9	01/05/1971	Moore	47	41.12	
	3	5	5	4	4	3	4	01/12/1971	Anderson	229	55	
	3	5	5	6	3	8	9	01/19/1971	Gregoire	229	53	
	3	5	5	7	5	1	6	01/26/1971	Brandt	53	14	
	3	6	2	0	3	6	6	11/16/1971	Parkinson	206	59	
	3	6	8	1	1	0	5	08/01/1972	Milutin	117	15	
	3	7	6	7	1	0	4	10/23/1973	Bachman et al.	229	7	
	3	7	9	3	7	9	9	02/26/1974	Howe	53	32	
	3	8	6	9	8	2	8	03/11/1975	Matsumoto	47	34.11	
	3	8	8	8	4	4	3	06/10/1975	Flanigen	248	152	
	3	9	3	9	8	8	7	02/1976	Scarnato			
	3	9	3	9	8	8	8	02/1976	Scarnato	220	666	
	3	9	6	2	5	0	3	06/08/1976	Crawford	428	40	
	4	0	4	3	0	7	7	08/23/1977	Stonehocker	47	66	
	4	0	5	4	6	9	7	10/18/1977	Reed et al.	428	40	
	4	0	9	1	9	2	5	05/30/1978	Griffo et al.	206	423	
	4	1	1	3	1	0	0	09/12/1978	Soja et al.	206	602	
	4	1	1	8	8	9	0	10/10/1978	Shore	47	28	
	4	1	4	9	3	3	9	04/17/1979	Hall et al.	47	67	
	4	1	8	9	8	6	8	02/26/1980	Tymchuck et al.	47	84	
	4	2	1	6	6	2	0	08/12/1980	Weder et al.	47	72	
	4	2	4	8	3	4	7	02/03/1981	Trimbee	206	423	
	4	2	6	5	0	4	9	05/05/1981	Gorewitz	47	26	
	D	2	5	9	3	3	3	05/26/1981	Charbonneau	D9	306	
	4	2	8	0	3	1	4	07/28/1981	Stuck	53	241	
	4	2	9	7	8	1	1	11/03/1981	Weder	47	72	

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EXAM INIT.	PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4	3	3	3	2	6	7	06/08/1982	Witte	47	84	
	4	3	4	7	6	8	6	09/07/1982	Wood	47	73	
	4	3	8	0	5	6	4	04/19/1983	Cancio et al.	428	167	
	4	4	0	0	9	1	0	08/30/1983	Koudstall et al.	47	84	
	4	4	1	3	7	2	5	11/08/1983	Bruno et al.	206	45.33	
	4	5	0	8	2	2	3	04/02/1985	Catrambone	206	423	
	D	2	7	9	2	7	9	06/18/1985	Wagner	D11	143	
	4	5	4	6	8	7	5	10/15/1985	Zweber	206	0.82	
	4	6	2	1	7	3	3	11/11/1986	Harris	206	423	
	4	6	4	0	0	7	9	02/03/1987	Stuck	53	390	
	4	7	1	7	2	6	2	01/05/1988	Roen et al.	383	120	
	4	7	3	3	5	2	1	03/29/1988	Weder et al.	53	580	
	4	7	6	5	4	6	4	08/23/1988	Ristvedt	206	0.82	
	4	7	7	1	5	7	3	09/20/1988	Stengel	47	67	
	4	7	7	3	1	8	2	09/27/1988	Weder et al.	47	72	
	4	8	0	1	0	1	4	01/31/1989	Meadows	206	423	
	4	8	1	0	1	0	9	03/07/1989	Castel	383	105	
	4	8	3	5	8	3	4	06/06/1989	Weder	29	525	
	D	3	0	1	9	9	1	07/04/1989	Van Sant	D11	149	
	4	9	0	0	3	9	0	02/13/1990	Colten et al.	156	291	
	4	9	4	6	2	9	0	07/07/1990	Matyja	383	10	
	4	9	4	1	5	7	2	07/17/1990	Harris	206	423	
	4	9	8	0	2	0	9	12/25/1990	Hill	428	34.1	
	4	9	8	9	3	9	6	02/05/1991	Weder et al.	53	397	
	D	3	1	5	7	0	0	03/26/1991	Stephens	D11	151	
	5	0	7	3	1	6	1	12/17/1991	Weder et al.	493	154	
	5	0	7	4	6	7	5	12/24/1991	Osgood	383	122	
	5	0	7	6	0	1	1	11/1991	Stehouwer			

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EXAM INIT.	PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5	1	0	5	5	9	9	04/21/1992	Weder	53	399	
	5	1	1	7	5	8	4	6/1992	Ottenwalder			
	5	1	1	1	6	3	8	05/12/1992	Weder	53	397	
	5	1	2	0	3	8	2	06/09/1992	Weder	156	212	
	5	1	5	2	1	0	0	10/06/1992	Weder et al.	47	72	
	5	1	8	1	3	6	4	01/26/1993	Weder	53	397	
	5	1	9	9	2	4	2	04/06/1993	Weder et al.	53	397	
	5	2	0	5	1	0	8	04/27/1993	Weder et al.	53	397	
	5	2	0	9	3	7	2	05/1993	Norwood, P.	220	666	
	D	3	3	5	1	0	5	04/27/1993	Ottenwalder et al.	D11	164	
	5	2	2	8	2	3	4	07/20/1993	de Klerk et al.	47	41.01	
	5	2	3	5	7	8	2	08/17/1993	Landau	47	72	
	5	2	3	9	7	7	5	08/31/1993	Landau	47	72	
	5	2	4	9	4	0	7	10/05/1993	Stuck	53	399	
	5	2	5	9	1	0	6	11/09/1993	Weder et al.	29	469.5	
	5	3	0	7	6	0	6	05/03/1994	Weder	53	410	
	5	3	1	5	7	8	5	05/31/1994	Avôt et al.	47	72	
	5	3	2	3	5	5	8	06/1994	Baumler, R.	47	40.5	
	5	3	5	0	2	4	0	09/27/1994	Billman et al.	383	104	
	5	3	5	3	5	7	5	10/11/1994	Stepanek	53	461	
	5	3	6	1	4	8	2	11/08/1994	Weder et al.	29	469	
	5	3	8	8	6	9	5	02/14/1995	Gilbert	206	423	
	5	4	2	8	9	3	9	04/04/1995	Weder et al.	53	397	
	5	4	4	3	6	7	0	08/22/1995	Landau	156	191	
	5	4	9	3	8	0	9	02/27/1996	Weder et al.	47	72	
	5	4	9	6	2	5	1	03/05/1996	Cheng	493	224	
	5	4	9	6	2	5	2	03/05/1996	Gilbert	493	224	

U. S. PATENT DOCUMENTS

EXAM INIT.	PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	D	3	6	8	0	2	5	03/19/1996	Sekerak et al.	D9	305	
	5	5	2	6	9	3	2	06/18/1996	Weder	206	423	
	5	5	5	1	5	7	0	09/03/2001	Shaffer et al.	206	575	
	5	5	7	2	8	4	9	11/12/1996	Weder et al.	53	399	
	5	5	7	2	8	5	1	11/12/1996	Weder	53	399	
	5	5	7	5	1	3	3	11/19/1996	Weder et al.	53	397	
	5	6	1	7	7	0	3	04/08/1997	Weder	53	413	
	5	6	2	4	3	2	0	04/29/1997	Martinez	472	51	
	5	6	2	5	9	7	9	05/06/1997	Weder			
	5	6	4	7	1	6	8	07/15/1997	Gilbert	47	72	
	5	6	4	7	1	9	3	07/15/1997	Weder et al.	53	465	
	5	7	0	6	6	0	5	01/1998	Alcazar	47	65.7	
	5	7	1	5	9	4	4	02/10/1998	Windisch	206	423	
	5	7	3	5	1	0	3	04/1998	Weder	53	399	
	5	7	4	9	1	7	1	05/1998	Weder	47	72	
	5	7	5	8	4	7	2	06/1998	Weder			
	5	8	1	3	1	9	4	09/1988	Weder	53	399	
	D	4	0	4	6	8	4	01/26/1999	Shea	D11	164	
	5	9	1	0	0	5	1	06/1999	Weder	47	72	
	5	9	2	4	2	4	1	07/1999	Hodge	47	72	
	5	9	4	1	0	2	0	08/1999	Weder	47	72	
	5	9	6	6	8	6	6	10/1999	Ferguson	47	41.01	
	5	9	7	4	7	3	0	11/02/1999	Chien	47	41.01	
	6	0	0	9	6	8	7	01/2000	Weder	53	399	
	D	4	1	9	4	3	6	01/25/2000	Celtorius et al.	D9	305	
	6	0	4	7	5	2	4	04/2000	Weder	53	399	
	D	4	2	4	9	7	2	05/16/2000	Ferguson	D11	143	

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EXAM INIT.		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6	0	9	8	3	3	6	08/08/2000	Ferguson	206	423	
		6	1	2	9	2	0	8	10/10/2000	Ferguson	206	423	
		6	1	2	9	2	0	9	10/10/2000	Tchira	206	423	
		6	1	4	1	9	0	6	11/07/2000	Weder	47	72	
		6	1	8	2	3	9	5	02/2001	Weder	47	72	
		6	2	9	5	7	6	0	10/2001	Weder	47	72	
		6	4	3	8	8	9	8	08/2002	Weder	47	72	

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

EXAM INIT.		DOCUMENT NUMBER							PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	Translation		
													YES	NO	
	FW	4	2	3	1	9	7	8	06/21/1979	Australia					
	FY	6	5	4	4	2	7	7	01/02/1965	Belgium					X
		0	0	5	0	9	9	0	05/05/1982	EPO					X
		0	7	9	1	5	4	3	08/27/1997	EPO					X
		1	3	7	6	0	4	7	09/14/1964	France					X
		2	0	3	6	1	6	3	12/24/1970	France					X
		2	1	3	7	3	2	5	12/29/1972	France					X
		2	2	7	2	9	1	4	12/26/1975	France					X
		2	4	8	9	1	2	6	03/05/1982	France					X
		2	5	6	7	0	6	8	07/05/1984	France					X
		2	6	0	3	1	5	9	03/04/1989	France					X
		2	6	1	0	6	0	4	08/12/1988	France*(see FN below)					X
		2	6	1	9	6	9	8	03/1989	France					X
			1	5	5	5	0		06/02/1900	Germany					X
		3	4	5	4	6	4		12/12/1921	Germany					X

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

EXAM INIT.		DOCUMENT NUMBER							PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	Translation		
													YES	NO	
		5	1	3	9	7	1	11/27/1930	Germany					X	
	1	1	6	6	6	9	2	03/26/1964	Germany					X	
	1	9	6	2	9	4	7	06/24/1971	Germany					X	
	2	0	6	0	8	1	2	11/04/1971	Germany					X	
	2	7	4	8	6	2	6	05/03/1979	Germany					X	
	3	4	4	5	7	9	9	06/19/1986	Germany					X	
	3	8	2	9	2	8	1	05/18/1989	Germany						X
	3	9	1	1	8	4	7	10/25/1990	Germany					X	
	4	0	0	9	6	3	3	10/1991	Germany						
		2	2	4	5	0	7	04/30/1996	Italy					X	
		5	4	2	9	5	8	02/23/1993	Japan					X	
		6	1	2	7	5	5	05/10/1994	Japan					X	
		8	-	1	9	3	3	01/23/1996	Japan					X	
		1	0	0	0	6	5	01/05/1996	Netherlands					X	
		8	3	0	1	7	0	12/1984	Netherlands					X	
		9	3	1	5	9	7	08/19/1993	PCT					X	
		9	7	1	2	8	1	04/10/1997	PCT					X	
		5	6	0	5	3	2	04/15/1975	Switzerland					X	
					5	6	0	05/06/1885	United Kingdom						
		1	2	0	4	6	4	09/09/1970	United Kingdom						
		2	0	5	6	4	1	03/18/1981	United Kingdom						
		2	0	7	4	5	4	11/04/1981	United Kingdom						
		2	1	2	8	0	8	04/26/1984	United Kingdom						
		2	2	0	3	1	2	10/12/1988	United Kingdom					X	
		2	2	1	2	1	3	07/19/1989	United Kingdom					X	

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

EXAM INIT.		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	Translation	
							YES	NO
		2 2 5 2 7 0 8	08/19/1992	United Kingdom				

OTHER MATERIALS

(Including, Author, Title, Date, Relevant Pages, Place of Publication.**)

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	"Silver Linings" Brochure, Affinity Diversified Industries, Inc., 1986. The Silver Linings brochure shows a floral sleeve with a closed bottom. The brochure shows, in one embodiment, a vase with flowers inside a "cut flower" sleeve with the sleeve tied with a ribbon about the neck of the vase.
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	WEDER, "Plant Sleeve Having an Expandable Portion", U.S. Patent Application Publication, Pub. No. US 2003/0009939 A1, Pub. Date: 01/16/2003.
EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant. **Place of Publication refers to name of publication in which the information was published.